

Message

From: Cerise, Kathy [Cerise.Kathryn@epa.gov]
Sent: 8/21/2019 5:50:05 PM
To: Allnutt, David [Allnutt.David@epa.gov]; Terada, Calvin [Terada.Calvin@epa.gov]; Philip, Jeffrey [Philip.Jeff@epa.gov]; Fleming, Sheila [flaming.sheila@epa.gov]
Subject: FW: EPA request- Urgent

FYI

Kathryn Cerise
Region 10 Remedial Project Manager
1200 6th Ave,
Seattle, WA 98101
Mail Code: 12 D12 1
Phone: 206-553-2589

From: McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>
Sent: Wednesday, August 21, 2019 10:45 AM
To: Werntz, James <Werntz.James@epa.gov>; Cerise, Kathy <Cerise.Kathryn@epa.gov>; Hood, Lynne <Hood.Lynne@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>
Cc: Castanon, Lisa <Castanon.Lisa@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>
Subject: RE: EPA request- Urgent

Hello, Jim. EPA did not uninvite Michael to the tour. Michael did not inform EPA or the Forest Service that he was joining the Site visit. EPA found out inadvertently, two days before the Site visit, that Michael (General Counsel of Midas Gold) was going to attend. Kathy Cerise called me for advice as to whether she should attend without EPA legal counsel. I advised her not to attend because I was not going to be on the site visit.

We are in the midst of sensitive negotiations with Midas and it is inappropriate for Midas's legal counsel to have discussions with EPA staff when EPA counsel is not present. As a former Region 10 Regional Administrator, Michael is well aware of EPA's position that EPA program staff should not meet with opposing counsel without EPA legal counsel present. The site visit could certainly have continued without Kathy and other EPA staff attending. EPA was not in charge of setting up the site visit and had no authority to cancel it. We simply said that EPA would not attend because EPA counsel could not be there.

Feel free to call me if you have any questions.

Elizabeth

Elizabeth McKenna
Assistant Regional Counsel
U.S. EPA
1200 Sixth Avenue
Seattle, WA 98101
(206) 553-0016
Cell: (206) 402-9963

From: Werntz, James <Werntz.James@epa.gov>
Sent: Wednesday, August 21, 2019 10:29 AM
To: Cerise, Kathy <Cerise.Kathryn@epa.gov>; Hood, Lynne <Hood.Lynne@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>

Cc: Allnutt, David <Allnutt.David@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>

Subject: FW: EPA request- Urgent

Elizabeth/all: As you can see, Michael Bogert wasn't happy about the way he was uninvited by the USFS to the tour we have arranged at Stibnite tomorrow. I responded, and no further response is needed.

Jim

James H. Werntz, Director
US EPA – Idaho Operations
950 W. Bannock St., Suite 900
Boise, Idaho 83702

208-378-5743

From: Werntz, James

Sent: Wednesday, August 21, 2019 11:23 AM

To: 'L. Michael Bogert' <mbogert@midasgoldinc.com>

Cc: Hood, Lynne <Hood.Lynne@epa.gov>

Subject: RE: EPA request- Urgent

Michael: This is unfortunate. I was not aware of this, but I learned this morning that our team didn't know about your intention to join the trip until yesterday. I agree that it would have been appropriate for us to call you as a courtesy, instead of you receiving a notification via USFS email.

Next time, let's aim for more advance notice of your plans to attend meetings/tours, so we're able to have our attorney participate too. Thank you. Jim

James H. Werntz, Director
US EPA – Idaho Operations
950 W. Bannock St., Suite 900
Boise, Idaho 83702

208-378-5743

From: L. Michael Bogert <mbogert@midasgoldinc.com>

Sent: Wednesday, August 21, 2019 9:56 AM

To: Werntz, James <Werntz.James@epa.gov>

Cc: Hood, Lynne <Hood.Lynne@epa.gov>

Subject: FW: EPA request- Urgent

Importance: High

Jim: FYI below and no action necessary on your part. I am absolutely certain you were not in the loop.

A courtesy heads up to me from someone at R 10 would have taken care of this very reasonable and appropriate request. Instead, a drama-laden ultimatum delivered through the Forest Service? Sheesh.

L. Michael Bogert

General Counsel
Midas Gold Idaho

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From: Craig, Belle A -FS <belle.craig@usda.gov>

Sent: Tuesday, August 20, 2019 1:27 PM

To: Alan Haslam <ahaslam@midasgoldinc.com>; Laurel Sayer <lsayer@midasgoldinc.com>

Cc: Goessel, Kathryn M -FS <kathryn.goessel@usda.gov>; Brummett, Tawnya -FS <tawnya.brummett@usda.gov>

Subject: EPA request- Urgent

Hi Alan,

I tried to call both your office and cell phone, and did not get through. When we spoke yesterday late in the afternoon you mentioned your general counsel would be attending our meeting. If Mr. Bogert attends the field trip, EPA will cancel their participation trip.

I would like to request that Mr. Bogert not attend the field trip on August 22nd, because the EPA will not attend without their counsel present. We think it would be detrimental to have them cancel the field trip.

We believe it is a reasonable request. Please let me know, I will try to follow up with a call again. They need to know right away as they will need to confirm their travel plans.

Thank you for a timely response.



Belle A. Craig, P.L.S.
Acting Deputy Forest Supervisor
Payette National Forest

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